IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGES ORDER NO.491 OF 2006
IN
SUIT NO.3221 OF 1984

Atul Dhirajlal Sohni & Anr. ...Plaintiffs
Vs.
Babubhai Mohanlal Choksey & Ors. ...Defendants

Ms.Shilpa N. Kamble i/b. Shukla & Shukla for Intervener
Mr.Anuj Narula i/b.M/s.Jhangiani Narula & Asso. for Defendant No.2

CORAM: SMT. ROSHAN DALVI, J.
DATED: 11TH JANUARY, 2007

P.C.

1. The Judges Order is taken out by the Defendant No.2 for leave to Defendant No.2 to accept the surrender of the tenancy and the possession of Block Nos.1 and 2 and the suit property from Dena Bank who have surrendered their tenancy in respect of the said property. The Defendants No.2 are the transferees of the properties and the suit property at an auction sale. The entire property being Sohni Mansion was purchased at the auction. Upon such purchase the Defendant No.2 were held entitled to be put in possession of the property. Block Nos.1 and 2 were then in possession of Dena Bank who claimed to be the tenants of the Plaintiffs in a suit in the Sohni Mansion. The Rent Court was required to decide the tenancy. The Suit as directed has been filed and in a Notice taken out being Notice No.252 of 2006, the Small Cause Court has decided that possession of block Nos.1 and 2 is required to be delivered to Defendant No.2 herein, since they were the transferees/purchasers at the auction. That order has been passed subject to Defendant No.2 obtaining

leave of this Court to accept the surrender of tenancy.

2. Order for grant of Leave to accept the surrender of the tenancy of Block Nos.1 and 2 on the ground floor of Sohni Mansion on Block No.3 Gwalior Tank, Kranti Marg, Mumbai-400 006 is passed.

(SMT. ROSHAN DALVI, J.)